

Town of Middletown

Zoning Board of Review

Minutes

September 27, 2016

Roll Call: Chairman Tom Silveira (present), Vice Chair Jim Miller (present),

Secretary Stephen MacGillvray (absent), Olin Gambrell (present), Chris Sousa,

Acting Secretary (present), Henry Pine (present), Eric Kirton (1st alternative-present), Thomas Heaney (2nd alternative-absent)

Adoption of Minutes: Minutes of Aug 9 and 23rd adopted.

Election of Officers: Tom Silveira and Jim Miller held seats as Chairman and Vice Chairman by a unanimous vote.

Continuances/Withdrawals:

Petition of: The Narragansett Electric Company d/b/a National Grid (owner) by their attorney Peter V. Lacouture, Robinson+Cole 1 Financial Plaza Ste. 1430 Providence, RI. - for a Variance from Sections 603, 701, 705(F)1 & 705(G) to allow the construction of an Electric Power Sub-Station and High Voltage Electric Transmission Line Towers with sub-station and transmission line structures that exceed the 35' height restriction. Also to allow fencing and walls that exceed the maximum 6' height allowance and to allow barbed wire fencing in a residential zone. Said real estate located at

Jepson Lane and further identified as Lots 49, 52, & 53 on Tax Assessor's Plat 111. Continued to 10/25/2016 awaiting DPR

Petition of: The Narragansett Electric Company d/b/a National Grid (owner) by their attorney Peter V awaiting DPR. Lacouture, Robinson+Cole 1 Financial Plaza Ste. 1430 Providence, RI. - for a Special Use Permit from Sections 602 to allow the construction of an Electric Power Sub-Station and High Voltage Electric Transmission Line Towers. Said real estate located at Jepson Lane and further identified as Lots 49, 52, & 53 on Tax Assessor's Plat 111. Continued to 10/25/2016 awaiting DPR

Petition of: Elizabeth F & George H Oestreich III (owners)- for a Variance from Sections 603,701& 803G- to remove existing deck and construct an 8' X 21' - 3 story addition with decks at the second and third floors with a southerly side yard setback of 15' where 20' is required. Said real estate located at 65 Green End Avenue and further identified as Lot 16105 on Tax Assessor's Plat 109NE. Case dismissed without prejudice

Petition of: Elizabeth F & George H Oestreich III (owners)- for a Special Use Permit from Section 803(A) - to allow the expansion of a non-conforming use. Said real estate located at 65 Green End Avenue and further identified as Lot 16105 on Tax Assessor's Plat 109NE. Case dismissed without prejudice

Petition of: Gary Hooks (owner)- by his attorney David P. Martand, Esq.- for a Variance from Section 603- to allow a two lot subdivision with Parcel A having 38,161.14 sq. ft. of land and Parcel B having 38,160.96 sq. ft. of land area where 40,000 sq. feet is required. Said real estate located at 1249 Wapping Rd and further identified as Lot 9 on Tax Assessor's Plat 128.

Withdrawn without prejudice

Petition of: East Island Reserve, LLC (owners)- by their attorney Jeremiah C. Lynch- for a Special Use Permit from Sections 803A & 902- to allow the enlargement of the non-conforming use by merging Lots 20 & 21 (by Administrative Subdivision) and modify the Special Use Permit approved by the Board on March 27, 2012 by making the following alterations to the previously approved plans on file in the Town of Middletown Building Inspector's Office. Said real estate located at 969 & 985 East Main Rd and further identified as Lots 20 & 21 on Tax Assessor's Plat 118. Continued to 10/25/2016 awaiting DPR

Request for Development Plan Review:

Application of Middletown Self Storage LLC 909 Aquidneck Ave. request for development plan review for the construction of a new storage building and site improvements. Said real estate located at 875&909 Aquidneck Ave. and 160 Honeyman Ave. and further identified as Lots 657,757 & 758 on Tax Assessor's Plat 114. This

matter was referred to the Planning Board for development plan review, a petition for special use will be applied for in October

Summary Cases:

Petition of: Zachary P. Scheetz (owner)- for a Variance from Sections 603 & 701-to construct an L shaped deck and an outdoor shower with a rear yard setback of 44.5' where 50' is required. Said real estate located at 550 Paradise Ave and further identified as Lot 20 on Tax Assessor's Plat 127. This matter was pulled from the summary calendar and a full hearing was conducted. John Utz (developer-owner) testifies. The board denies approval for the variance 1-4 with Jim Miller voting in favor and Tom Silveira, Olin Gambrell, Chris Sousa and Henry Pine voting against the request. The major reason for the denial was because the hardship and necessity for the variance was caused by a prior action of the owner, therefore not meeting the requirements of Section 903(A)(2)

Full Hearings:

Petition of: Patrick Cibotti (owner) - for a Special Use Permit from Section 602 - to allow an addition of an 18' X 20' deck. Said real estate located at 152 Tuckerman Ave Unit M-1 and further identified as Lot 2024 on Tax Assessor's Plat 116NE. HJ Brightman-President of condo association testifies on behalf of Patrick Cibotti and confirms that the

condo board is in unanimous approval of the addition. Jim Miller moves to grant the request.

Chris Sousa seconds the motion. Granted 5-0

Petition of: Cheryl E Lazar (owner)- for a Special Use Permit from Article 16- to allow an Accessory Family dwelling unit. Said real estate located at 1 Roseart Terrace and further identified as Lot 351 on Tax Assessor's Plat 105. Cheryl E Lazar testifies that husband has passed away and her daughter will be moving in with her. Olin Gambrell moves to support the application. Jim Miller seconds the motion. Granted 5-0

Petition of: Seal Rock, LLC (owners) - by their attorney David P. Martland Esq.- for a Special Use Permit from Sections 603, 803 & 903- to allow the reconstruction and reconfiguration of a single family residence and 2- two-family residential structures. Said real estate located at 193 & 205 Aquidneck Ave & 201 Seascape Ave and further identified as Lots 20, 21 & 46 on Tax

Assessor's Plat 115SE. Attorney David Martland presents the case. Martland calls builder Tom Perkins to explain reconfiguration and reconstruction plans. The new buildings will not exceed the existing setbacks that are already in non-compliance Martland then calls real estate appraiser James Hoole who testifies that the project is an enhancement to the neighborhood, and that the existing buildings are at the end of their useful life and need to be rebuilt. Olin Gambrell moves to support the application for a Special Use Permit. Jim

Miller seconds Granted 5-0

Petition of: Seal Rock, LLC (owners)- by their attorney David P. Martland Esq.- for a Variance from Sections 603, 701 & 803G - to allow the reconstruction and reconfiguration of a two-family dwelling and a single family dwelling with less than the required setback. Said real estate located at 193 & 205 Aquidneck Ave & 201 Seascapes Ave and further identified as Lots 20, 21 & 46 on Tax Assessor's Plat 115SE. Based on the facts presented that the new buildings will be constructed with the same existing setbacks and the old buildings, Olin Gambrell moves to support the Variance. Jim Miller seconds. Granted 5-0 .

Petition of: Regal, LLC (owner) Caitlin Knowles (applicant)- for a Special Use Permit from Section 602- to allow therapeutic massage. Said real estate located at 190 East Main Rd and further identified as Lot 97 on Tax Assessor's Plat 107SE. Caitlin Knowles testifies on her own behalf. She confirms that she is licensed and has been board certified since 2001. Olin Gambrell moves to support the Variance. Jim Miller seconds. Granted 5-0.

Petition of: Catherine & Matthew Anderson (owners)- for a Special Use Permit from Section 602- to allow the expansion of the 2- family dwelling by the addition of a two car attached garage & breezeway. Also to allow the reconstruction of the existing barn. Said real estate located at 970 Green End Ave and further identified as Lot 72 on Tax

Assessor's Plat 120. Catherine Anderson presents her application. She explains that she needs inside parking and storage. Olin Gambrell moves to support the Variance. Jim Miller seconds. Granted 5-0.

Petition of: Catherine & Matthew Anderson (owners)- for a Variance from Sections 603, 701,802 & 803G- to allow the demolition & reconstruction of the 55' X 30' two story barn with a rear yard setback of 0' where 15' is required and a right yard setback of 3' where 30' is required. Said real estate located at 970 Green End Ave and further identified as Lot 72 on Tax

Assessor's Plat 120. Catherine Anderson presents her application. She explains that the barn is in disrepair and she will be demolishing and reconstructing the barn over the existing footprint. Olin Gambrell moves to support the Variance. Jim Miller seconds. Granted 5-0.